

United States District Court

WESTERN

DISTRICT OF

PENNSYLVANIA

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

V.

RICHARD REICHERT

CASE NUMBER: 05-139m
~~UNDER SEAL~~

(1)

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 29, 2005 in Allegheny county, in the Western

District of Pennsylvania defendant(s) did, (Track Statutory Language of Offense)

did knowingly receive visual depictions that had been mailed, or shipped or transported in interstate or foreign commerce, or which contained materials which have been mailed or so shipped or transported, or knowingly reproduced any visual depiction that involved the use of a minor engaging in sexually explicit conduct; and the visual depiction is of such conduct in violation of 18 U.S.C. 2252(a)(2)

I further state that I am a(n) United States Postal Inspection Service and that this complaint is based on the following

Official Title

facts:

I, Thomas K. Clinton, being duly sworn, depose and state as follows:

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Thomas K. Clinton
Signature of Complainant

Sworn to before me and subscribed in my presence,

March 30, 2005

Date

at Pittsburgh, Pennsylvania

City and State

AMY REYNOLDS HAY, U.S. Magistrate Judge

Name and Title of Judicial Officer

Amy Reynolds Hay
Signature of Judicial Officer

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Magistrate Number: 65-139M

~~UNDER SEAL~~

AFFIDAVIT FOR CRIMINAL COMPLAINT

I, Thomas K. Clinton, being duly sworn, depose and state as follows:

1. I am a Postal Inspector with the United States Postal Inspection Service. I have been employed as a Postal Inspector for 29 years. As part of my duties I investigate, among other things, violations of federal law involving the United States mails to receive and distribute child pornography.

2. This affidavit is made in support of a criminal complaint for Richard Reichert for a violation of Title 18, United States Code, Sections 2252 (a) (2).

3. As a result of my background and experience in conducting investigations involving the sexual exploitation of children through the receipt, possession, trading, and distribution of child pornography, I have learned that an investigative technique utilized by federal, state, and local investigators in investigating child pornography cases is "undercover correspondence" via U.S. Mail and computer. This correspondence is conducted with individuals who have been identified as having a possible interest in child pornography in

an attempt to determine if those individuals are, in fact, interested in or presently engaged in trading, selling, or buying through the United States Mail or other interstate conveyance or computer, sexually explicit materials involving minors.

4. Some of the information provided herein was provided to me by Special Agent James Kilpatrick, ICE Pittsburgh. Other information was either gained from my own investigation or was relayed to me by other law enforcement officials.

5. On August 03, 2004, the ICE office of the Special Agent in Charge (SAC), Dallas, Texas, received information from ICE Cyber Crimes Center (C-3) regarding a Dallas, Texas area target found during the course of a child pornography investigation conducted by the German Police (Bundeskriminalamt/BKA). The search warrant execution discovered numerous suspect leads for individuals residing in the United States that were coordinated through C-3 for investigation and referral to the various ICE SAC Offices with prosecutorial venue.

6. On February 22, 2005, SAC Dallas executed a federal search warrant at the residence of a person who will herein be referred to as "CS", a confidential source. During the search of CS's residence, forensic agents found a locked box hidden in a upstairs room. The CS was shown the box and asked for a key to open it. The CS appeared nervous and stated that he

was certain that he did not have a key, nor did he know where the key was. The locked box, which was found on a bookcase behind a baseball card collection, contained 29 floppy discs that were in part, forensically reviewed on-site. Forensic review found the discs to contain child pornography including images of prepubescent male children.

7. On February 28, 2005, as a result of the investigation in Dallas, the CS agreed to cooperate with investigators and provided the following information:

- a. CS spoke freely as he admitted to possessing, transmitting, and receiving child pornography over the Internet (AOL account "kevinsauc" only) for approximately the last 4 to 5 years. He stated he became involved with child pornography during that time, 4 to 5 years ago, through an on-line chat room encounter while on his AOL Internet account ("kevinsauc"). CS described the search term used at the time, "young" that he said, is indicative of child pornography, and used by persons attempting to solicit images of minors. On some date during that time period, is when CS first received images of child pornography. Afterward, when his interests were established, he would receive, forward, and then save the images of child pornography.
- b. CS individually noted screen names and included certain

information relative to each user that might provide leads to agents, and assist them in future investigations.

c. CS identified all of the members on the buddy list under the headers "p", "TK" and "LK" as being AOL Internet subscribers suspect in the receipt and/or distribution of child pornography. CS individually noted screen names and included certain information relative to each user that might provide leads to agents, and assist them in future investigations.

d. He identified one user under the "LK" header named "biman49x". CS stated that "biman49x", who is from Pittsburgh, sent him a CD containing child pornography that arrived at his home the same day ICE agents executed a search warrant on his home (2/22/2005). CS further stated that he was scared and threw it away at a service station the same day, and that this was the only time he received child pornography through the mail.

8. CS agreed to allow agents to assume control of his AOL Internet account ("kevinsauc"). On March 03, 2005, ICE Agents from the SAC Dallas spoke with a U.S. Postal Inspector (USPI) regarding the possibility of a controlled delivery of child pornography to the subscriber of the AOL account screen name "biman49x", should he respond to the SAC Dallas UC e-mail

regarding the receipt of child pornography.

9. On or about March 03, 2005, using the on line identity of "kevinsauc", a SAC Dallas Senior Special Agent (SSA) initiated e-mail contact with "biman49x". The SSA confirmed his receipt of the CD (sent to CS on 2/22/2005) and mentioned the availability of the 3 VHS tapes should he be interested. The three VHS tapes were described in detail from the identifiers given by USPI, and the screened text was captured for evidentiary purposes. The 3 VHS tapes were described to "biman49x" as:

- a. "LITTLE BOY BUTTS/3535" a really good video of four boys 8 to 12 I think, doing each other in the ass, the two 8 year olds try to get it hard again but then decide to just suck each other, Great Close ups!
- b. "GAY AFFAIR/4233" three naked boys, about 10 years old play games with a neighbor on a bed. Lots of masturbation, dick sucking, and ass fucking, the boys are good looking latinos.
- c. "FIRST ENCOUNTERS/8499" I think these boys are 12 or 13 maybe they suck dicks and play some kissing, VERY inexperienced, really cute blonde boy.

10. On March 04, 2005, "biman49x" responded by saying, " I am still in Ireland and glad u got them. I am interested in the ones u have for me. I will tell u how to get them to me .when I get back". END OF MESSAGE

11. On March 07, 2005, Agents from the SAC Dallas received subpoena return information from AOL identifying "biman49x" as follows:

- a. Rich REICHERT
105 Lewis Drive
Pittsburgh, PA 15235
Tele: 412-241-9109
Credit card: (provided but not reproduced herein) exp.
01/08

AOL records also show the following screen names associated with this account: kingrr77(*), red18x2, biman49x, branboy17, easyel6b, momjulie234, pghgirl16.

12. On March 07, 2005, Choice Point Online indices verified the REICHERT address, and phone number as current. Their records show REICHERT with date of birth 06/10/1940, and a social security number matching Richard Reichert.

13. On March 08, 2005, record checks establish departure verification for REICHERT itinerary to Ireland. REICHERT traveled outbound through Atlanta, GA to Shannon Intl. Airport (Ireland), on February 23, 2005 using Delta Air flight 128.

14. On March 08, 2005, ICE Agents from the SAC Dallas contacted the RAC Pittsburgh regarding the CS's case, and their interest in a controlled delivery of the VHS tapes to the residence of Rich REICHERT. SAC Dallas faxed the relevant case history/reports/e-mails necessary for the RAC Pittsburgh to begin preliminary enforcement action.

15. On March 09, 2005, record checks determined inbound

travel for REICHERT from Ireland to the U.S. REICHERT returned to the U.S. through Atlanta on March 08, 2005 using Delta flight 129.

16. On March 09, 2005 at approximately 9:54 am, SSA initiated e-mail communication with REICHERT using the "kevinsauc" assumed online identity. REICHERT was thanked for the video, and asked, "are u back from Ireland? How was it? Drop me a line when you get a chance and let me know when and where to send these hot! Vids". END OF MESSAGE. At approximately 11:04, REICHERT ("biman49x") responded. E-mail conversation took place between UC and REICHERT, wherein they spoke about REICHERT's time in Ireland, as well as the VHS tapes. At 11:08 am, Reichert said "I am going to see if u ship the vhs tape to me or Tim my friend so u can make it for me" SSA responded "just let me know where". REICHERT response "I ok, I hope he lets me if not you can send it here, sounds hot" "my friend tim likes little girls but he will take a copy of three boy lol". The conversation ended with SSA saying "gotta go for now, catch me later with the addy where u want the vhs sent or email me, take care I will be online later this afternoon. END OF MESSAGE.

17. On March 11, 2005, using the on line identity of "kevinsauc", SAC Dallas SSA received an e-mail from REICHERT using the online identity "Biman49x" in which REICHERT stated the following: oh its going well..we came home Tuesday nite..back to

work Thursday and im still recovering lol,tim does not want me to send the tape to his house so il get u to send it to me but u should not put a return address on it in case it gets opened and there is no tie and I can say I dunno where it came from..dinner is ready later... END OF MESSAGE.

18. On March 21, 2005, SSA using the screen name kevinsauc sent an instant message to biman49x that stated as follows: "Well I tried to mail them then after i dug thru my address book that i don't have ur addy, that slowed the process down a bit...LOL...just got back in yesterday late and i have a quick turnaround for another trip leaving teusday evening. drop me line or try and catch me online and tell me where u want it to go, btw, do you have a way to put vhs on to a cd or dvd??? i luv these tapes but i would rather watch them on the puter. take care

19. On March 21, 2005, SSA received a response to this instant message from biman49x "yes the friend i told u about also wants a copy lol and he is putting it on a DVD for me so il get you a copy .. send the tape to Richard Reichert 105 Lewis drive Pittsburgh, PA 15235 Do not put your return address on the package or any indication it is from you. If it were to get snaged there is no link and of course i do not know where it came from. Try to wrap it so it does not look like a tape. I will tell her it was a part for my computer or a tape on roller

blading or something whatever"

20. On March 28, 2005, I prepared a package for the controlled delivery to Richard Reichert containing the three VHS video tapes previously identified by title as "Gay Affair 4233" "Little Boy Butts /3535" and "First Encounter #8499". The package measured 11 ½ inches by 6 ½ inches by 4 inches. It was wrapped in brown paper and the address 105 Lewis Drive, Pittsburgh, PA 15235. The package contained sufficient postage to cover mailing from the Dallas, Texas area. The package has no return address. These tapes were reviewed by me on March 28, 2005, and each of these tapes contain depictions of minor age boys engaging in sexually explicit conduct as those terms are defined in Title 18, United States Code Section 2256, to include oral sex, anal sex and masturbation.

21. During review of the tape entitle Little Boy Butts 3535, I discovered that the description of the contents of this tape which was provided to biman49x in a computer conversation on or about March 3, 2005, was not entirely consistent with the material I actually viewed on the tape in that this tape actually depicts a video of a child pornographic magazine entitled "Piccolo" which depicts photographs of minor age boys engaging in sexually explicit conduct as defined in Title 18, United States Code Section 2256 and not a video of that conduct. The package prepared contained the mailing address of Richard Reichert at 105

Lewis Drive, Pittsburgh, PA 15235 as requested by Reichert in computer contact with the undercover. The other video tapes are consistent with the descriptions provided by the SSA to biman49x.

23. The known computer conversations between SSA and biman49x are attached hereto as Exhibit 1.

24. An anticipatory search warrant was obtained for Reichert's residence on March 28, 2005.

25. On March 29, 2005, a controlled delivery of the package mentioned herein was made. At approximately 5:00 p.m. on that date, after the package was delivered into the residence, the anticipatory search warrant was executed on the residence at 105 Lewis Drive, Pittsburgh, Pennsylvania.

26. During the search, Richard Reichert was present. He was interviewed by myself and Special Agent James Kilpatrick. Reichert indicated that the controlled package described herein would be found in his basement. The package was located there by members of the search team. When found, it was discovered that the package had been opened, the address wrapper had been placed in a trash can, the three video tapes had been removed from the package and hidden on a shelf under the computer desk. The tapes had been removed from the cardboard sleeve and flipped around so that the name of the tapes were not visible from the front.

27. I am aware that 18 U.S.C. §2252 provides, in relevant part:

(a) Any person who

(1) Knowingly transports or ships in interstate or foreign commerce by any means including by computer or mails, any visual depiction, if

(A) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct and

(B) such visual depiction is of such conduct;

(2) knowingly receives, or distributes, any visual depiction that has been mailed, or has been shipped or transported in interstate or foreign commerce, or which contains materials which have been mailed or so shipped or transported, by any means including by computer, or knowingly reproduces any visual depiction for distribution in interstate or foreign commerce or through the mails, if--

(A) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and

(B) such visual depiction is of such conduct;

(3) either

(A) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country as defined in section 1151 of this title, knowingly sells or possesses with intent to sell any visual depiction; or

(B) knowingly sells or possesses with intent to sell any visual depiction that has been mailed, or has been shipped or transported in interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported, by any

means, including by computer, if--

(i) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and

(ii) such visual depiction is of such conduct; or

(4) either--

(A) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country as defined in section 1151 of this title, knowingly possesses 1 or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction; or

(B) knowingly possesses 1 or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction that has been mailed, or has been shipped or transported in interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported, by any means including by computer, if--

(i) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and

(ii) such visual depiction is of such conduct; shall be punished as provided in subsection (b) of this section.

(b)(1) Whoever violates, or attempts or conspires to violate, paragraphs (1), (2), or (3) of subsection (a) shall be fined under this title and imprisoned not less than 5 years and not more than 20 years, but if such person has a prior conviction under this chapter, chapter 71, chapter 109A, chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military

Justice), or under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, such person shall be fined under this title and imprisoned for not less than 15 years nor more than 40 years.

(2) Whoever violates, or attempts or conspires to violate, paragraph (4) of subsection (a) shall be fined under this title or imprisoned not more than 10 years, or both, but if such person has a prior conviction under this chapter, chapter 71, chapter 109A, or chapter 117, or under section 920 of Title 10 (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, such person shall be fined under this title and imprisoned for not less than 10 years nor more than 20 years.

28. Based on this information, your affiant submits there is probable cause to believe that on or about March 29, 2005, Richard Reichert knowingly received, via the U.S. mail, child pornography in violation of Title 18, United States Code, Section 2252(a)(2).


T. K. Clinton, Postal Inspector
U.S. Postal Inspection Service

SUBSCRIBED TO AND SWORN TO
BEFORE ME THIS 30th DAY OF

March, 2005


United States Magistrate Judge

Subj: Re: where u at??
Date: 03/21/05 12:57:09 Central Standard Time
From: KevinSauc
To: Biman49x

Well I tried to mail them then after i dug thru my address book that i don't have ur addy, that slowed the process down a bit...LOL... just got back in yesterday late and i have a quick turnaround for another trip leaving tuesday evening. drop me line or try and catch me online and tell me where u want it to go, btw, do you have a way to put vhs on to a cd or dvd??? i luv these tapes but i would rather watch them on the puter. take care



Subj: Re: where u at??
Date: 03/21/05 16:34:29 Central Standard Time
From: Biman49x
To: Kevinsauc

In a message dated 3/21/2005 1:57:08 P.M. Eastern Standard Time, Kevinsauc writes:

Well i tried to mail them then after i dug thru my address book that i don't have ur addy, that slowed the process down a bit...LOL... just got back in yesterday late and i have a quick turnaround for another trip leaving teusday evening. drop me line or try and catch me online and tell me where u want it to go. btw, do you have a way to put vhs on to a cd or dvd??? i luv these tapes but i would rather watch them on the puter. take care

yes the friend i told u about also wants a copy lol and he is putting it on a DVD for me so il get you a copy .. send the tape to Richard Reichert

105 Lewis drive
Pittsburgh, PA 15235

Do not put your return address on the package or any indication it is from you. If it were to get snaged there is no link and of course i do not know where it came from. Try to wrap it so it does not look like a tape. I will tell her it was a part for my computer or a tape on roller blading or something whatever

Subj: Thanks
Date: 03/03/05 16:58:16 Central Standard Time
From: KevinSauc
To: Biman49x

I LOVED the CD sorry it took so long to get back with you but I got a virus and my computer is completely dead, I lost everything and will have to rebuild my library from scratch. I have three WONDERFUL!!! videos unfortunately they are on VHS tapes but I can make copies for you if you are interested. "LITTLE BOY BUTTS/3535 a really good video of four boys 8 to 12 I think, doing each other in the ass, the two 8 year olds try to get it hard again but then decide to just suck each other, Great Close ups! "GAY AFFAIR/4233 three naked boys, about 10 years old play games with a neighbor on a bed. Lots of masturbation, dick sucking, and ass fucking, the boys are good looking latinos. "FIRST ENCOUNTER/8499 I think these boys are 12 or 13 maybe they suck dicks and play some kissing, VERY inexperienced, really cute blonde boy. Let me know I am using a laptop for now, hopefully I will get my desktop up and running next week and I will be online more often, I am going camping this weekend so I will drop you a line on Monday. Take care.

Subj: Re: Gay Videos of the Week
Date: 03/09/05 09:54:39 Central Standard Time
From: Kevinsauc
To: Biman49x

Thanks for the vid I really enjoyed it, things are going a little better but is still haven't got my desktop up and running are u back from Ireland? how was it? drop me a line when you get a chance and let me know when and where u want me to send these HOT! vids.

Subj: Re: where u at??
Date: 03/17/05 14:24:55 Central Standard Time
From: Kevinsauc
To: Biman49x

puter is still tits up i am still using the work laptop so i can't get online as often as i like, should be up and running sometime next week, i am going to be out of town the next couple of days but should be back by monday or teusday, got those vhs tapes in the mail u should have them by the begining of the week sometime. write when u get a chance

Subj: where u at??
Date: 03/15/05 19:04:55 Central Standard Time
From: Biman49x
To: KevinSauc

Hey where u been? Is yer computer at home still fucked?

Subj: Re: (no subject)
Date: 03/11/05 16:35:14 Central Standard Time
From: Biman49x
To: KevinSauc

In a message dated 3/11/2005 1:06:12 PM Eastern Standard Time, KevinSauc writes:

| Hey, how it going? drop me a line when u get a chance

oh its going well.. we came home on tuesday nite.. back to work thursday and im still recovering lol,.....tim does not want me to sent the tape to his house so il get u to send it to me but u should not put a return address on it in case it gets opened and there is no tie and i can say i duno where it came from....dinner is ready later ...

Subj: Re: where u at??
Date: 03/17/05 16:10:52 Central Standard Time
From: Biman49x
To: KevinSauc

oh do u have my address? I hope u dint put yer return address on them? what address doid u send them too

Subj: Re: where u at??
Date: 03/21/05 16:34:29 Central Standard Time
From: Blman49x
To: Kevinsauc

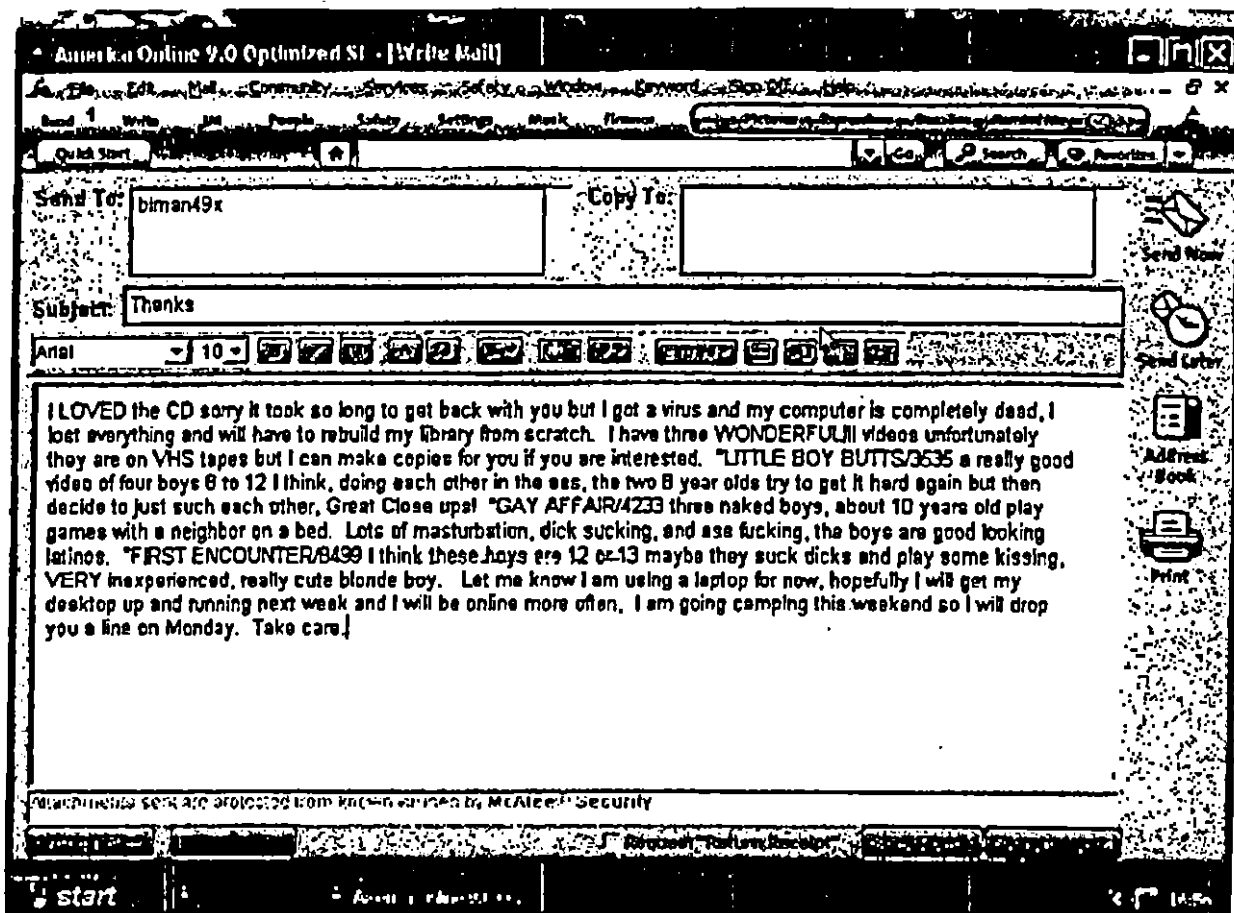
In a message dated 3/21/2005 1:57:08 P.M. Eastern Standard Time, Kevinsauc writes:

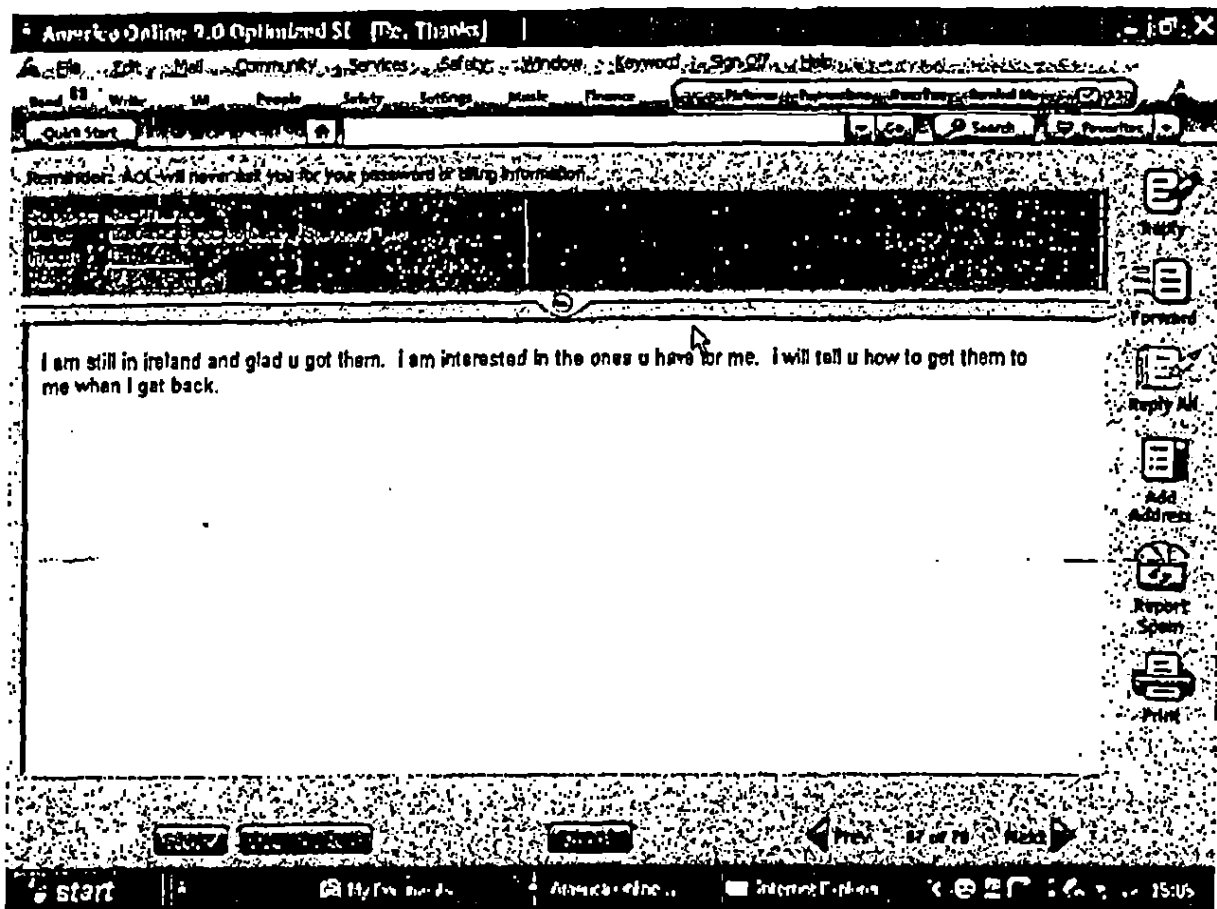
Well I tried to mail them then after I dug thru my address book that I don't have ur addy, that slowed the process down a bit...LOL... Just got back in yesterday late and I have a quick turnaround for another trip leaving teusday evening. drop me line or try and catch me online and tell me where u want it to go, btw, do you have a way to put vhs on to a cd or dvd??? I luv these tapes but I would rather watch them on the puter. take care

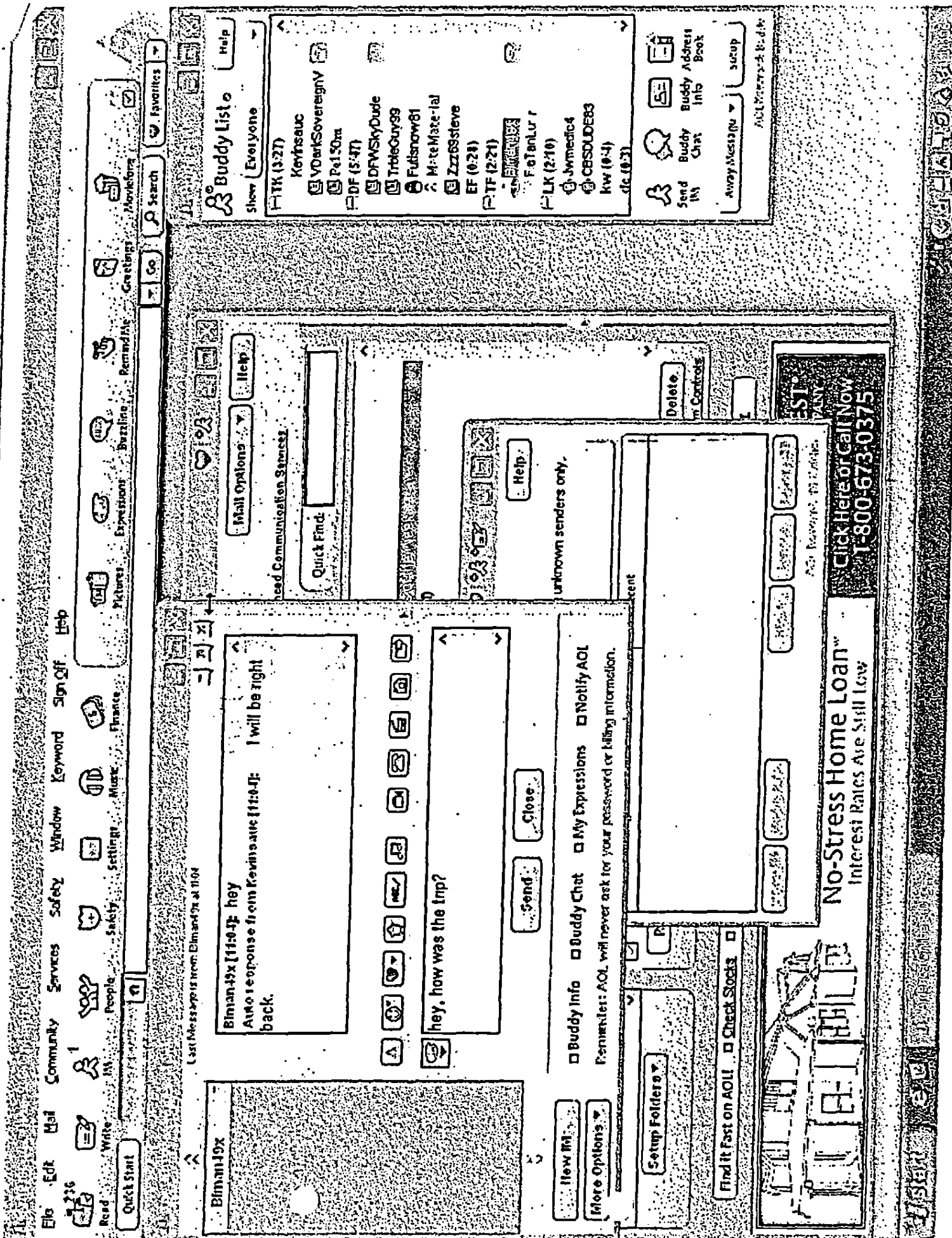
yes the friend I told u about also wants a copy lol and he is putting it on a DVD for me so il get you a copy .. send the tape to Richard Reichert

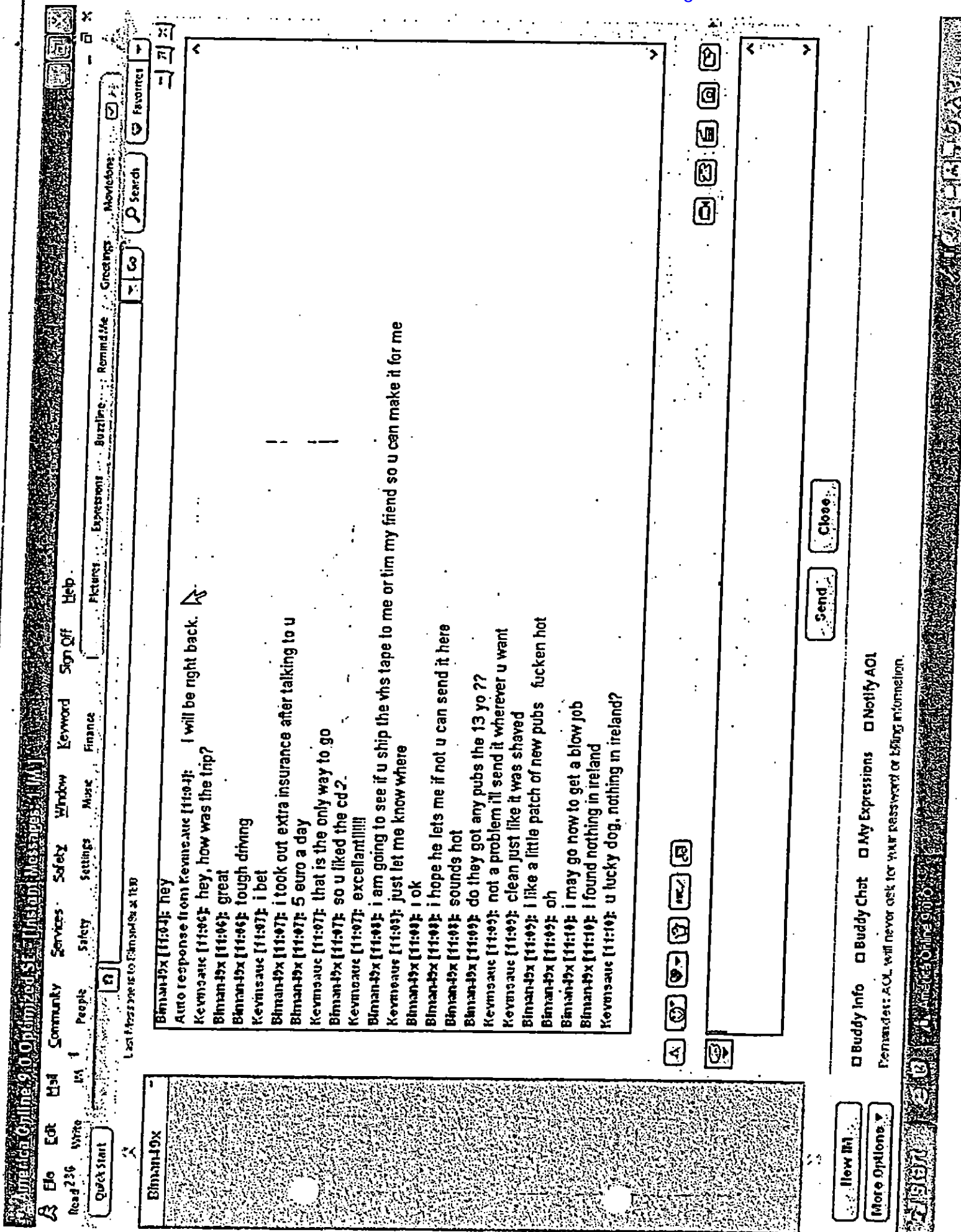
105 Lewis drive
Pittsburgh, PA 15235

Do not put your return address on the package or any indication it is from you. If it were to get snaged there is no link and of course I do not know where it came from. Try to wrap it so it does not look like a tape. I will tell her it was a part for my computer or a tape on roller blading or something whatever









America Online 9.0 Optimized for Windows XP

File Edit View Mail Community Services Safety Window Keyword Sign Off Help

Read 236 Write PA 1 People Safety Settings Music Finance Pictures Expressions Buzzline Reminders Greetings Moviezone Favorites

Quick Start

Last Message is to Bliman49x at 11:12

Bliman49x

Kevin49x [11:07]: 5 euro a day
 Kevin49x [11:07]: that is the only way to go
 Bliman49x [11:07]: so u liked the cd?
 Kevin49x [11:07]: excellent!!!!!!
 Bliman49x [11:08]: I am going to see if u ship the vhs tape to me or tim my friend so u can make it for me
 Kevin49x [11:08]: just let me know where
 Bliman49x [11:08]: I ok
 Bliman49x [11:08]: I hope he lets me if not u can send it here
 Bliman49x [11:08]: sounds hot
 Bliman49x [11:09]: do they got any pubs the 13 yo??
 Kevin49x [11:09]: not a problem I'll send it wherever u want
 Kevin49x [11:09]: clean just like it was shaved
 Bliman49x [11:09]: I like a little patch of new pubs fucken hot
 Bliman49x [11:09]: oh
 Bliman49x [11:09]: I may go now to get a blow job
 Bliman49x [11:09]: I found nothing in Ireland
 Kevin49x [11:10]: u lucky dog, nothing in Ireland?
 Kevin49x [11:11]: u still there
 Bliman49x [11:11]: my friend tim
 Bliman49x [11:12]: likes little girls but he will take a copy of thre boys lol
 Kevin49x [11:12]: the more the merrier I always say
 Bliman49x [11:12]: no porn allowed in Ireland
 Bliman49x [11:12]: I saw no suggestion even in any pub
 Kevin49x [11:13]: bummer

Send Close

☐ Buddy Info ☐ Buddy Chat ☐ My Expressions ☐ Notify AOL

Remember: AOL will never ask for your password or billing information.

New IM More Options

Internet Explorer

